

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Aug 13, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoking Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to invoke ServisFirst Bank Letter of Credit No. 13780 for Hawks Ridge Estates Subdivision.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

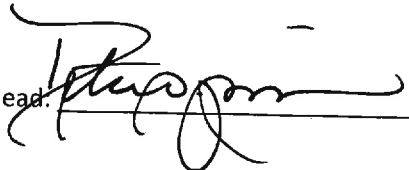
Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_



Date: Aug 4, 2015

RESOLUTION NO. 15-\_\_\_\_\_

**WHEREAS**, ServisFirst Bank issued a certain letter of credit (No. 13780), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

**WHEREAS**, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to ServisFirst Bank Letter of Credit No. 13780, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

**ADOPTED** this the 13th day of August, 2015.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville,  
Alabama

**APPROVED** this the 13th day of August, 2015.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

SERVISFIRST BANK  
Post Office Box 18127  
Huntsville, Alabama 35804  
T 256.722.7800 F 256.722.7810  
servisfirstbank.com

**AMENDMENT TO  
IRREVOCABLE LETTER OF CREDIT NO. 13780**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

**Account Party:**

Harris Hill Development, LLC  
Post Office Box 12819  
Huntsville, Alabama 35815

**Bank:**

ServisFirst Bank  
401 Meridian Street  
Huntsville, Alabama 35801



**Place of Presentment/Expiry:**

ServisFirst Bank  
401 Meridian Street, Suite 100  
Huntsville, AL 35801

**Amount:** \$34,860.00  
**Issue Date:** August 18, 2014  
**Expiration Date:** August 18, 2015

**Subject: Article 5 Sidewalks / Letter of Credit for  
Hawks Ridge Estates**

Gentlemen:

We hereby reinstate and amend our Irrevocable Standby Letter of Credit in your favor, effective August 18, 2014, for sum not to exceed the aggregate of \$34,860.00, available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to ServisFirst Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

This Letter of Credit shall be governed by the Laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

ServisFirst Bank

By:   
John Hubbard, Credit Officer

MW 9-5-14 DS 9-8-14

OK  
9/15/14

OK  
9/15/14

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**AMENDMENT TO  
IRREVOCABLE LETTER OF CREDIT NO. 13780**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

**Account Party:**

Harris Hill Development, LLC  
Post Office Box 12819  
Huntsville, Alabama 35815

**Bank:**

ServisFirst Bank  
401 Meridian Street  
Huntsville, Alabama 35801



**Place of Presentment/Expiry:**

ServisFirst Bank  
401 Meridian Street, Suite 100  
Huntsville, AL 35801

**Amount:** \$34,860.00  
**Issue Date:** August 15, 2013  
**Expiration Date:** August 15, 2014

**Subject: Article 5 Sidewalks / Letter of Credit for  
Hawks Ridge Estates**

Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit in your favor, effective August, 15 2013, for sum not to exceed the aggregate of \$34,860.00, available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to ServisFirst Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

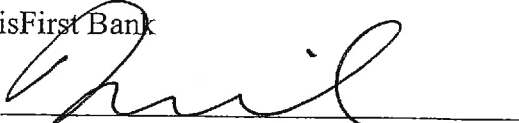
The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

This Letter of Credit shall be governed by the Laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

ServisFirst Bank

By:

  
David Mathis, Senior Vice President

O/C  
CEA  
9/18/13

MW 9-12-13  
DAS 9-16-13  
on ket  
9/17/13

SERVISFIRST BANK  
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servisfirstbank.com

S/CW  
JCT

**IRREVOCABLE LETTER OF CREDIT NO. 13780**



**Beneficiary:**  
City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

**Account Party:**  
Harris Hill Development, LLC  
4245 Balmoral Drive, Suite 201  
Huntsville, Alabama 35801

**Bank:**  
ServisFirst Bank  
401 Meridian Street, Suite 100  
Huntsville, Alabama 35801

**Amount:** \$34,860.00  
**Issue Date:** August 16, 2011  
**Expiration Date:** August 16, 2013

**Subject:** Article 5 Sidewalks / Letter of Credit for  
**Hawks Ridge Estates**

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective August 16, 2011 for sum not to exceed the aggregate of \$34,860.00 available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to ServisFirst Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

This Letter of Credit shall be governed by the Laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

ServisFirst Bank

By:

  
David Mathis, Senior Vice President

OK DS 8/16/11  
OK KCA 8/19/11

OK  
CE 18  
8/19/11